

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-02188-TJK**

AMERICAN CENTER FOR LAW AND JUSTICE v.
DEPARTMENT OF JUSTICE
Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 11/02/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN CENTER FOR LAW
AND JUSTICE**

represented by **Abigail A. Southerland**
AMERICAN CENTER FOR LAW &
JUSTICE
625 Bakers Bridge Avenue
Suite 105-121
Franklin, TN 37067
(800) 296-4529
Fax: (202) 546-9309
Email: asoutherland@aclj.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benjamin Paul Sisney
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 546-8890
Fax: (202) 546-9309
Email: bsisney@aclj.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Colby Mims May
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 546-8890
Fax: (202) 546-9309
Email: cmmay@aclj-dc.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay Alan Sekulow
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 546-8890
Fax: (202) 546-9309
Email: sekulow@aclj.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Robert Clark
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Avenue NE
Washington, DC 20002
(202) 546-8890

Fax: (202) 546-9309
 Email: mcclark@aclj.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stuart J. Roth
 AMERICAN CENTER FOR LAW &
 JUSTICE
 201 Maryland Avenue NE
 Washington, DC 20002
 (202) 546-8890
 Fax: (202) 546-9309
 Email: stuartroth1@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Craig L. Parshall
 AMERICAN CENTER FOR LAW &
 JUSTICE
 201 Maryland Avenue NE
 Washington, DC 20002
 (202) 546-8890
 Fax: (202) 546-9309
 Email: parshallpolicy@gmail.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF JUSTICE

represented by **Gary Daniel Feldon**
 UNITED STATES DEPARTMENT OF
 JUSTICE
 Civil Division, Federal Programs Branch
 1100 L Street NW
 Room 11104
 Washington, DC 20005
 (202) 514-4686
 Fax: (202) 616-8460
 Email: Gary.D.Feldon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/02/2016	<u>1</u>	COMPLAINT against DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-4729919) filed by AMERICAN CENTER FOR LAW AND JUSTICE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Civil Cover Sheet, # <u>10</u> Summons, # <u>11</u> Summons, # <u>12</u> Summons)(Sekulow, Jay) (Entered: 11/02/2016)
11/02/2016	<u>2</u>	NOTICE of Appearance by Jay Alan Sekulow on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (Sekulow, Jay) (Entered: 11/02/2016)
11/02/2016	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN CENTER FOR LAW AND JUSTICE (Sekulow, Jay) (Entered: 11/02/2016)
11/02/2016	<u>4</u>	NOTICE of Appearance by Stuart J. Roth on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (Roth, Stuart) (Entered: 11/02/2016)
11/02/2016	<u>5</u>	NOTICE of Appearance by Colby Mims May on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (May, Colby) (Entered: 11/02/2016)

11/02/2016	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Craig L. Parshall, :Firm– American Center for Law and Justice, :Address– 201 Maryland Avenue, NE, Washington, DC 20002. Phone No. – 202–546–8890. Fax No. – 202–546–9309 Filing fee \$ 100, receipt number 0090–4730078. Fee Status: Fee Paid. by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Roth, Stuart) (Entered: 11/02/2016)
11/02/2016	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Matthew R. Clark, :Firm– American Center for Law and Justice, :Address– 201 Maryland Avenue, NE, Washington, DC 20002. Phone No. – 202–546–8890. Fax No. – 202–546–9309 Filing fee \$ 100, receipt number 0090–4730125. Fee Status: Fee Paid. by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Roth, Stuart) (Entered: 11/02/2016)
11/02/2016	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Benjamin P. Sisney, :Firm– American Center for Law and Justice, :Address– 201 Maryland Avenue, NE, Washington, DC 20002. Phone No. – 202–546–8890. Fax No. – 202–546–9309 Filing fee \$ 100, receipt number 0090–4730161. Fee Status: Fee Paid. by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Roth, Stuart) (Entered: 11/02/2016)
11/02/2016		Case Assigned to Judge Richard J. Leon. (sb) (Entered: 11/02/2016)
11/02/2016	<u>9</u>	SUMMONS (3) Issued Electronically as to DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(sb) (Entered: 11/02/2016)
11/10/2016	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/2/2016. Answer due for ALL FEDERAL DEFENDANTS by 12/2/2016. (May, Colby) Modified dates on 11/14/2016 (znmw). (Entered: 11/10/2016)
11/10/2016	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/02/2016. (May, Colby) Modified date of service on 11/14/2016 (znmw). (Entered: 11/10/2016)
11/10/2016	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 11/2/2016 (May, Colby) Modified date of service on 11/14/2016 (znmw). (Entered: 11/10/2016)
11/13/2016	<u>13</u>	STANDING ORDER. Signed by Judge Richard J. Leon on 11/13/2016. (lcrjl3,) (Entered: 11/13/2016)
11/14/2016	<u>14</u>	ORDER: Upon consideration of the plaintiff's <u>8</u> Motion for Leave of Benjamin P. Sisney to be admitted Pro Hac Vice; it is hereby ordered that the motion is GRANTED. Signed by Judge Richard J. Leon on 11/12/16. (tb) (Entered: 11/14/2016)
11/14/2016	<u>15</u>	ORDER: Upon consideration of the plaintiff's <u>8</u> Motion for Leave of Craig L. Parshall to be admitted Pro Hac Vice; it is hereby ordered that the motion is GRANTED. Signed by Judge Richard J. Leon on 11/12/16. (tb) (Entered: 11/14/2016)
11/14/2016	<u>16</u>	ORDER: Upon consideration of the plaintiff's <u>8</u> Motion for Leave of Matthew R. Clark to be admitted Pro Hac Vice; it is hereby ordered that the motion is GRANTED. Signed by Judge Richard J. Leon on 11/12/16. (tb) (Entered: 11/14/2016)
11/14/2016		Set/Reset Deadlines: Answer due by 12/2/2016, (znmw) (Entered: 11/14/2016)
12/08/2016	<u>17</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, <i>Nunc Pro Tunc</i> by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Feldon, Gary) (Entered: 12/08/2016)
12/08/2016	<u>18</u>	ANSWER to Complaint by DEPARTMENT OF JUSTICE.(znmw) (Entered: 12/12/2016)
12/10/2016		MINUTE ORDER granting <u>17</u> Defendant's Consent Motion for an Extension of Time, <i>Nunc Pro Tunc</i> , in Which to Answer Plaintiff's Complaint. It is hereby ORDERED that defendant's answer, filed as an attachment to the motion, shall be considered timely filed as of 12/8/2016. The Clerk of Court is instructed to enter the answer on the

		docket. Signed by Judge Richard J. Leon on 12/10/2016. (lcrjl3,) (Entered: 12/10/2016)
04/12/2017	<u>19</u>	NOTICE of Appearance by Abigail A. Southerland on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (Southerland, Abigail) (Entered: 04/12/2017)
09/18/2017		Case directly reassigned to Judge Timothy J. Kelly. Judge Richard J. Leon is no longer assigned to the case. (ztnr) (Entered: 09/18/2017)
09/27/2017	<u>20</u>	Joint STATUS REPORT by AMERICAN CENTER FOR LAW AND JUSTICE. (Southerland, Abigail) (Entered: 09/27/2017)
10/12/2017		MINUTE ORDER: In light of the <u>20</u> Joint STATUS REPORT filed by the parties on September 27, 2017, it is hereby ORDERED that Defendant shall move for summary judgment on or before November 3, 2017. Plaintiff shall file its combined opposition to Defendant's motion for summary judgment and any cross-motion for summary judgment on or before December 4, 2017. Plaintiff's combined opposition and cross-motion for summary judgment shall not exceed forty-five (45) pages. Defendant shall file its reply in support of its motion for summary judgment and any opposition to Plaintiff's cross-motion for summary judgment on or before January 12, 2018. Plaintiff shall file its reply in support of any cross-motion for summary judgment on or before January 26, 2018. Signed by Judge Timothy J. Kelly on 10/12/2017. (lctjk2) (Entered: 10/12/2017)
10/13/2017		Set/Reset Deadlines: Summary Judgment motions due by 11/3/2017. Response to Motion for Summary Judgment and Cross Motions due by 12/4/2017. Reply to Motion for Summary Judgment and Response to Cross Motions due by 1/12/2018. Reply to Cross Motions due by 1/26/2018. (kh) (Entered: 10/13/2017)
11/03/2017	<u>21</u>	MOTION for Summary Judgment by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Feldon, Gary) (Entered: 11/03/2017)
11/03/2017	<u>22</u>	ERRATA by DEPARTMENT OF JUSTICE <u>21</u> MOTION for Summary Judgment filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration)(Feldon, Gary) (Entered: 11/03/2017)
12/04/2017	<u>23</u>	Cross MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Motion for Summary Judgment</i> by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Southerland, Abigail) (Entered: 12/04/2017)
12/04/2017	24	Memorandum in opposition to re <u>21</u> MOTION for Summary Judgment filed by AMERICAN CENTER FOR LAW AND JUSTICE. (See Docket Entry <u>23</u> to view document). (znmw) (Entered: 12/05/2017)
01/12/2018	<u>25</u>	Memorandum in opposition to re <u>23</u> Cross MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Motion for Summary Judgment</i> filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Statement of Facts)(Feldon, Gary) Modified link on 1/16/2018 (znmw). (Entered: 01/12/2018)
01/12/2018	26	REPLY to opposition to motion re <u>21</u> MOTION for Summary Judgment filed by DEPARTMENT OF JUSTICE. (See Docket Entry <u>25</u> to view document). (znmw) (Entered: 01/16/2018)
01/26/2018	<u>27</u>	REPLY to opposition to motion re <u>23</u> Cross MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Motion for Summary Judgment</i> filed by AMERICAN CENTER FOR LAW AND JUSTICE. (Attachments: # <u>1</u> Declaration Southerland, # <u>2</u> Exhibit D)(Southerland, Abigail) (Entered: 01/26/2018)
09/07/2018	<u>28</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part Defendant's <u>21</u> Motion for Summary Judgment; and denying Plaintiff's <u>23</u> Motion for Summary Judgment. Defendant's renewed motion for summary judgment due by 10/9/2018. Plaintiff's response and cross-motion due by 10/23/2018. See Opinion and Order for details. Signed by Judge Timothy J. Kelly on 9/7/2018. (lctjk2) (Entered: 09/07/2018)

09/10/2018		Set/Reset Deadlines: Defendant's renewed Summary Judgment motion due by 10/9/2018. Plaintiff's Response to Motion for Summary Judgment and Cross Motion due by 10/23/2018. (kh) (Entered: 09/10/2018)
10/02/2018	<u>29</u>	NOTICE of Change of Address by Gary Daniel Feldon (Feldon, Gary) (Entered: 10/02/2018)
10/09/2018	<u>30</u>	Second MOTION for Summary Judgment by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Text of Proposed Order)(Feldon, Gary) (Entered: 10/09/2018)
10/23/2018	<u>31</u>	Cross MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Renewed Motion for Summary Judgment</i> by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Southerland, Abigail) (Entered: 10/23/2018)
10/23/2018	32	Memorandum in opposition to re <u>30</u> Second MOTION for Summary Judgment filed by AMERICAN CENTER FOR LAW AND JUSTICE. (See Docket Entry <u>31</u> to view document) (tth) (Entered: 10/24/2018)
11/09/2018	<u>33</u>	MOTION to Stay re <u>30</u> Second MOTION for Summary Judgment , <u>31</u> Cross MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Renewed Motion for Summary Judgment</i> by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Southerland, Abigail) (Entered: 11/09/2018)
11/20/2018	<u>34</u>	Memorandum in opposition to re <u>33</u> MOTION to Stay re <u>30</u> Second MOTION for Summary Judgment , <u>31</u> Cross MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Renewed Motion for Summary Judgment</i> filed by DEPARTMENT OF JUSTICE. (Feldon, Gary) (Entered: 11/20/2018)
12/06/2018		MINUTE ORDER denying Plaintiff's <u>33</u> Motion to Stay. Upon review of the parties' submissions (ECF Nos. 33, 34), the Court concludes in its discretion that a stay pending a decision by the D.C. Circuit in <i>American Center for Law and Justice v. U.S. Department of Justice</i> , Case No. 18-5309, is not warranted. Signed by Judge Timothy J. Kelly on 12/6/2018. (lctjk2) (Entered: 12/06/2018)